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July 22, 2019

Honorable Steven M. Gold  
U.S. Magistrate Judge United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722-4438

***Re: Brian Pfail v. Village of Garden City, et al***  
***USDC EDNY Docket No.: 16-CV-3832 (LDW) (SIL)***

Dear Magistrate Judge Gold:

This office represents the Defendants in the above-captioned case. We write in further support of our application for an order deeming our May 24, 2019 Rule 68 Offer to be valid. Plaintiff filed correspondence with this Court on July 16, 2019 that it will not oppose our application on the grounds that Defendants have submitted a further offer pursuant to Rule 68. (DE:32)

However, we still believe it appropriate for this Court to issue an order validating our May 24, 2019 Rule 68 offer in light of the fact that it, and not the subsequent Offer of Judgment would be effective if a judgment is issued for an amount lower than the amount of both issued offers. Additionally, the language challenged by Plaintiff in each Offer is identical.

We therefore respectfully request this Court issue an order of validity of Defendants May 24, 2019 Rule 68 Offer for the reasons outlined in our June 25, 2019 application.

We thank the Court for the time and attention devoted to this matter.

Very truly yours,

/s/

Andrew K. Preston